

reconsideration by the Examiner in light of previously presented amendments to the claims and the following remarks.

#### *Double Patenting*

Claims 9 and 11 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 4-6, 7-9, 11, and 12 of U.S. Patent No. 5,607,475. Applicant disagrees with the Examiner's position regarding double patenting, but in the interest of expediting prosecution of this application, Applicant files concurrently with this Response a Terminal Disclaimer, disclaiming the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of U.S. Patent No. 5,607,475. Applicant asserts that the filing of the Terminal Disclaimer obviates the double patenting rejection, and thus claims 9 and 11 are now allowable.

The Examiner indicated that claim 10, which depends from claim 9, would be allowable if written in independent form including all of the limitations of the base claim and any intervening claims. Given that claim 9 is now allowable, Applicant asserts that claim 10 is also allowable without amendment.

#### *Section 102(e)*

Claims 17 and 19 were rejected under 35 U.S.C. 102(e) as being anticipated by Whitbourne et al. (6,110,483). In the interest of expediting prosecution of the application, Applicant cancels claims 17 and 19 without prejudice. Applicant asserts that the cancellation of claims 17 and 19 obviates the rejection under 35 U.S.C. 102(e).

#### Conclusion

In view of the submitted amendments and the filing of the Terminal Disclaimer, Applicant respectfully requests that the rejections of the claims be withdrawn and that claims 9-11 be allowed to issue.

Please contact the attorney listed below if there are any further questions regarding this application.

Respectfully submitted,



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